Remarks

Claims 14-26 are currently pending in this case. The following remarks are in response to the outstanding Office Action mailed August 6, 2007.

Section 102 Rejection.

Claims 14-18, 20-23, 25 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wells (US 2002/0115487 A1, hereinafter Wells). Applicant respectfully traverses the rejection with respect to individual claims as addressed below.

Regarding claim 14, the Office Action states that Wells discloses a gaming system comprising a first gaming device (fig. 1, 22); and a second gaming device (fig.1, 22), wherein the first and second gaming devices exchange information associated with wagers placed by first and second players on each respective gaming machine (fig. 1) in order to determine a total jackpot, wherein determination of whether the first player won is performed by the first gaming device (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine), and wherein determination of whether the second player won is performed by the second gaming device independent of the first gaming device (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine). This rejection is respectfully traversed.

"To anticipate a claim, the reference must teach every element of the claim." MPEP 2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131.

Claim 14 claims "*determination of whether the first player has won, and the total jackpot amount to be paid ... by the controller of the first gaming device*" and a similar "*determination ... by the controller of the second gaming device,*" features not taught or disclosed in Wells. The "determination" of which player won a jackpot in Wells is made in a central computer and transmitted to each gaming device. As indicated in paragraph [0005] of Wells:

> "[I]nformation may be transmitted from each remote device to a central location for computation of an aggregate jackpot, and then the aggregate jackpot amount is transmitted back to each gaming machine. The total jackpot information may be displayed to a player of each gaming device ..."

With a central computer "transmitting [the aggregate jackpot amount] back to each gaming machine," in Wells, by just receiving and displaying the jackpot amount, a "*gaming device*" does not make a "*determination*" of "*which player won*", or "*the total jackpot*" as claimed in claim 14. Accordingly, Wells does not teach every element of claim 14, as required for anticipation under MPEP 2131, so claim 14 is believed allowable under U.S.C. § 102 as not anticipated by Wells.

Further, regarding claim 14 it also specifically recites "*first and second gaming devices exchange with each other, information associated with the amount of wagers placed by the first and second player on each respective gaming device.*" Wells discloses a gaming system including a gaming device 22 with a communication link 40 providing for communication between gaming devices and a central host. However, Wells fails to teach or suggest exchanging wager information between different gaming machines, as claimed in claim 14. As noted above "To anticipate a claim, the reference must teach every element of the claim." MPEP 2131.

The Office Action in paragraph 7 responds to this second argument regarding claim 14. The Office Action in paragraph 7 indicates that Wells discloses a software program to allow communication through the gaming gateway, and although Wells does not explicitly disclose the

exchange of such information as claimed, a person of ordinary skill would have known that gaming devices would communicate relevant data related to players' wagers in a particular game so that they can determine the prize amount.

In response, Applicant maintains that (1) to maintain an anticipation rejection, the Office Action must show that every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP 2131) which is not done with Wells; and (2) Wells actually teaches away from such a disclosure.

Regarding Applicant's first point that Well's disclosure does not provide support for such a transfer, Applicant refers to Well's Fig. 1. Well's Fig. 1 illustrates its limited disclosure, showing only gaming devices and a gateway connected to a communication link. Although the network of Fig. 1 might support many functions, its connected devices must somehow include programming to perform those functions. Wells does not further suggest that its gaming machines should be programmed to exchange wager information. Wells appears to not even suggest that the gaming machines communicate among themselves.

Regarding Applicant's second point, Well's disclosure of each gaming device communicating with a central controller actually teaches away from an inter-gaming machine information transfer, since with the central controller providing calculations there is no need to do so in a gaming device. Wells indicates that the machines communicate with, for example, a central host (Wells, paragraph 0067) or a security monitoring system (Wells, Figs. 3 and 4, paragraph 0068) which are devices that perform centralized operation independent of, and to the exclusion of the individual gaming machines. With these components, thus, there is no need for a transfer of wager information among gaming machines, as claimed in claim 14. Accordingly, Wells does not teach every element of claim 14, and actually teaches away, so claim 14 is

believed allowable under U.S.C. § 102 as not anticipated by Wells.

Regarding independent claim 18, it includes elements similar to claim 14 including "determining" in individual gaming devices whether a jackpot has been won, and transferring information about wagers between gaming devices. Based on the above remarks with respect to these elements in claim 14, Applicant maintains that claim 18 is likewise allowable under 35 U.S.C. § 102 as not anticipated by Wells.

Regarding the remaining rejected claims under Section 102, based at least on the allowability of independent claims 14 and 18 in the remarks above, Applicant respectfully submits that these dependent claims 15-17, and 19-26 are likewise allowable under 35 U.S.C. § 102 as not anticipated by Wells.

Section 103 Rejection

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells in view of Lockton (US 5,083,800.) (Note the Lockton number 5,083,800 is erroneously listed in the Office Action as 5,083,400). The Office Action states that Wells does not disclose broadcasting a parameter block when conditions change at any gaming device, and updating the parameter block according to the broadcast; and broadcasting the updated parameter block from the gaming device to other gaming devices. The Office Action, however, continues stating that Lockton does disclose such broadcasting and updating, and that it would have been obvious to provide this in combination with Wells to provide an improved game of skill to enable play simultaneously by several participants remote from each other. This rejection is respectfully traversed.

Initially in response claim 19 it is believed allowable based at least on its dependency on dependent claim 18 which is believed allowable as indicated in the remarks regarding the Section 102 rejection above.

Further, the language of claims 18 and 19 requires "determination" of a jackpot in separate individual gaming devices which is not disclosed in either of Lockton or Wells. Lockton discloses a system that interconnects gaming devices that do not determine, calculate or pay jackpots. Wells similarly does not make a determination of jackpots in individual gaming machines, and instead relies on a central controller. To maintain a *prima facie* case of obviousness, all the elements claimed must be shown in one or more references. See MPEP 2142. Without disclosure of all claim elements by the cited references, claim 19 is believed allowable under 35 U.S.C. § 103 as non-obvious over Wells in view of Lockton.

Applicant notes that his background refers to a similar system to Wells, namely a progressive gaming network (WAP) made up of machines that are linked together with a communication line to a central computer. The central computer receives data and processes the data. See Applicant's specification page 2, lines 12-14. The jackpot amount and any award are transmitted from the central controller to each gaming device. See Applicant's specification page 2, lines 32-33. Applicant's claims are believed to define over such a reference as pointed out in the remarks above.

Allowable Subject Matter

Claim 24 stands objected to as being dependent upon a rejected base claim, but is indicated to be allowable in independent form. Based on the above remarks regarding allowability of claim 14 on which claim 24 depends, applicant maintains that claim 24 is

allowable in dependent form.

Conclusion

Based on the foregoing remarks, all of pending claims 14-26 are believed in condition for allowance. Accordingly reconsideration and allowance of pending claims 14-26 is respectfully requested.

No fee is believed due with this Amendment. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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